

1 HONORABLE RONALD B. LEIGHTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JIMMY LEROY RAMSEYER,

Petitioner,

v.

DICK SMELSER,

Respondent.

CASE NO. C05-5006RBL

ORDER

THIS MATTER is before the Court on Petitioner Ramseyer's "Motion for Extension of Time to file Motion for Independent Action to Determine Validity of Washington's Procedural Bar Statute" [Dkt. #68]. Ramseyer asks the Court for an extension of time to file his Rule 60 Motion, and, if that is granted, to "reverse" the Washington Supreme Court's order determining that his state court Rule 60 motion was time-barred. He asks this Court to "remand" the case to the Washington Supreme Court to "define the difference between jurisdictional rule and claim processing rules." Dkt. # 68 at 22].

Ramseyer's 38 page motion is a re-hash of the 1997 jury trial that led to his conviction for murder. By his own count, Ramseyer has filed five petitions for post-trial relief, and he

1 concedes that he has failed at each step. This habeas case was filed in 2005, and Ramseyer's  
2 Petition was denied more than ten years ago. [See Dkt. #s 49 and 51]. The Ninth Circuit  
3 dismissed his appeal as moot because he was pursuing his claims in a different case. See Dkt. #s  
4 64 and 65].

5 The current Motion is both untimely and futile. This Court cannot "reverse" the  
6 Washington Supreme Court, and it cannot "remand" this federal case to that Court with  
7 "instructions" on how to resolve it. This Court cannot and will not review or reverse decisions  
8 made in state court. The *Rooker-Feldman* doctrine precludes "cases brought by state-court losers  
9 complaining of injuries caused by state-court judgments . . . and inviting district court review and  
10 rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280,  
11 284, 125 S. Ct. 1517, 1521, 161 L. Ed. 2d 454 (2005). [W]hen a losing plaintiff in state court  
12 brings a suit in federal district court asserting as legal wrongs the allegedly erroneous legal  
13 rulings of the state court and seeks to vacate or set aside the judgment of that court, the federal  
14 suit is a forbidden *de facto* appeal. *Noel v. Hall*, 341 F.3d 1148, 1156 (9th Cir. 2003); *Carmona*  
15 *v. Carmona*, 603 F.3d 1041, 1050 (9th Cir. 2008).

16 The Motion is DENIED.

17 IT IS SO ORDERED.

18 Dated this 15<sup>th</sup> day of November, 2017.

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22 Ronald B. Leighton  
23 United States District Judge  
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